

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 53442

James M. Beal
c/o Patricia Saunders
201 Duke of York Lane
Apartment T1
Cockeysville, MD 21030

2401 Paper Mill Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on December 9, 2009 for a Hearing on a citation for violations under the Baltimore County Code (BC) § 35-2-404, failure to raze/repair deteriorating vacant dwelling on residential property known as 201 Duke of York Lane, 21030.

On November 22, 2009, pursuant to Baltimore County Code §3-6-205, Inspector Robyn Clark issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$5,000.00 (five thousand dollars).

The following persons appeared for the Hearing and testified: Patricia Saunders, co-owner of the property, Jacqueline Nash, daughter of another co-owner and, Robyn Clark, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued on November 18, 2008 for repair of exterior construction, removal of hazardous or unsafe condition, repair roof, raze or rehabilitate deteriorating structure. A Citation was issued on October 30, 2009 but not enforced. This Citation was issued on November 22, 2009.

B. Inspector Robyn Clark testified that this property has a vacant, dilapidated house that needs to be demolished and removed. The local homeowners association has complained. After the Correction Notice was issued, the County was contacted by an attorney for the property owners who asked for a postponement. The attorney came in for a meeting along with Ms. Patricia Saunders. Because of the death of the prior property owner, Mr. James Beal, there are about 40 people in seven different families who own this property. The attorney promised that a razing permit would be obtained. Ms. Saunders applied for the permit, but before it can be issued the owners have to pump and remove an oil tank, and have to properly close and abandon an old well.

C. Ms. Patricia Saunders is one of the family members who own this property. She testified that at present the large group of owners cannot reach agreement on taking all the actions necessary to obtain the razing permit and raze the building. She requested an extension of time to correct the building code violation and raze the building.

D. The house is vacant. Because it has been vacant for more than six months, this property can be classified as an "investment property" under County law. BCC Section 35-2-401. Photographs in the file show a severely dilapidated and deteriorated house, visibly sagging with holes in the siding and the roof. The property owners have been given extensions of time for an entire year and have not yet taken the necessary actions to raze the structure.

E. The property is also an owner-occupied property under the Livability Code, even though it is vacant. BCC Section 35-5-101. The Livability Code requires property owners to keep buildings in good repair and in a structurally sound condition. BCC Section 35-5-302. The evidence shows that this building is not in structurally sound condition, and it must be repaired or removed.

F. Because compliance is the goal of code enforcement, the civil penalty will be rescinded if the violation is corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violation is corrected, by repairing or razing the dilapidated building, by April 5, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 14th day of December 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.

